

Another constitution, seriously!

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Another constitution, seriously!

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Constitutions have recently been on the menu, in several contexts. The European Union was forced by popular vote-of-non-confidence to give up its compilation of EU regulations called a constitution, with rules that included a never-expiring subsidy to the nuclear industry, along with maximum liberal competition for renewable energy sources. In Iraq, with the blessing of the occupying nations, a constitution that is voted upon excludes all religions but Islam, with a direct path to sharia legislation. I guess that the many American families who gave the lives of their children to this cause may feel a bit deceived. It is about time that we remind each other what a constitution ought to contain.

A constitution should be a straightforward, basic foundation for human societies, expressed in simple language and understandable for anyone literate. Below, I present one that is offered for broad consideration and debate among world citizens and their elected representatives. It breaks new grounds by proposing that human beings living in a society have not only rights but also obligations, and that certain rights are conditional on fulfilling the obligations. The proposed constitution preserves the principle of representative democracy (to avoid populism), but rejects the role of political parties that have forced the elected representatives to divide their loyalty between their conscience and the party rules. Similarly, other institutions such as religious ones are discouraged, while allowing as the Human Rights Charter of the United Nations every individual to cherish any faith not harming other people, without being influenced by mullahs or priests in black dress. Coercion by any institution is seen as a negative influence and as an origin of conflicts and terrorism, as fully supported by the facts of human history. I need only mention crusades, the inquisition, missionary colonialism, brainwashing and exclusion of women from public life. A division of governance on three levels is suggested, as a step towards a peaceful human presence on Earth, where nationalism and the interest of a few can be ruled out by actions on a global level. This could transform previous attempts such as the League of Nations or the United Nations to an operational status. The proposal aims to start a discussion of the issues and it may eventually be realised in instalments: The basic human rights and obligations can be implemented without the specific governance rules and without the abolition of nations.

A proposed global constitution

1. BACKGROUND

- 1.1. The rights and obligations described below pertain to all human beings, at all ages, independent of gender, outward appearance, lineage and social grouping.

2. HUMAN RIGHTS

- 2.1. To cherish, express and live by any personal views, opinions and convictions not harming fellow human beings or diminishing their rights, and not in conflict with human obligations as described below.
- 2.2. No world citizen can be forced or enticed by any individual or by any institution, be it political, religious or of any other nature, to act in specific ways or to adopt or express

views that are not part of the basic fabric of human rights, obligations and social arrangements as described in this constitution.

- 2.3. To have access to food, shelter and, when fulfilling human obligations as described below, to human relations.
- 2.4. To have fair opportunities for learning and for enjoying life.

3. HUMAN OBLIGATIONS

- 3.1. Not to harm any other human being, except in cases of clear self-defence or as part of legal enforcement of the terms of this constitution.
- 3.2. To be considerate of the world's natural makeup, whether the immediate surroundings, the distant or global ones, and whether constituted by living creatures, environment or any other kind of resources.
- 3.3. To acquire knowledge and skills according to ability and use them to the benefit of society.
- 3.4. To contribute to the achievement of common goals in society.

4. GOVERNANCE

- 4.1. Governance structures are considered on three levels: global, regional and local. The structure of governance described below apply to each of these three levels. *Comment: Particulars such as length of serving office are less fundamental than the other parts of this constitution and could be modified if other numerical values are found more suitable. Examples of what could constitute regional size entities would be North America, China and the rest of East Asia, and Europe. Examples of local size entities would be Denmark, Nordrhein-Westphalia, Indonesia or Texas. The nationalistic competition characterising parts of previous global history is strongly discouraged, also when entities, particularly the local ones as defined here, are often identical to historical nations.*
- 4.2. The partition of governance tasks is defined by the representative-democracy institutions described below. *Comment: the partition scheme can be followed at all three structural levels and should be implemented in a way to encourage maximum participation of the entire population of the entity in question. The choice of a representative democracy rather than a continuous push-button democracy is aimed at discouraging populist decision-making, not at discouraging broad participation in continuous social debate.*
- 4.3. Legislative power is vested with a parliament elected for a four-year period by popular vote (including voters at one of the three levels mentioned), choosing between individuals who have consented to pose for election. *Comment: Extra parliamentary elections within the four-year periods are not envisaged (if an elected candidate leaves the post, the highest-vote non-elected candidate may be asked to take over, and so on). Political parties and pre-arranged coalitions are not allowed (in line with §2.2), and the media role should be regulated according to the same paragraph. Candidates should normally be adult and in good health, and children below a certain age may not participate in the voting procedure.*
- 4.4. Executive power is vested with a government consisting of a prime minister and a number of topical ministers, elected by parliament by simple majority for a period of maximum four years, with earlier termination in case of a new parliamentary decision. The parliament should generally aim at exchanging less than half of the ministers at each occasion of change, unless particular circumstances speak against it. *Comment: Civil servant hired to assist the government should have a record of political independence and should be hired for a finite term of service.*
- 4.5. Legal power (at each level) is vested with courts headed by judges appointed for an eight-year period by the parliament. Eligible for a position as judge are people with a

record of political independence and service to the society. The parliament should aim at exchanging less than half of the judges in each session of the parliament, unless particular circumstances speak against it. *Comment: The term "political independence" may be more rigorously defined by a parliamentary decision. A hopefully unlikely example of particular circumstances would be indications of abuse of legal power by more than half of the judges.*

- 4.6. The following overseers are appointed: A secretary of parliament and two ombudspeople, one male and one female, all elected by popular vote for a period of eight years. The secretary of parliament is responsible for overseeing that voting and other functions of the parliament are conducted according to rules (including the constitutional ones). The ombudspeople deal with worries and with complaints from individual citizens of any perceived non-compliance with any parliamentary or constitutional rule. The ombudspeople can issue appeals to any of the other governance branches to reconsider any law or regulation for fairness and consistency with the constitution, and in serious cases can require one or both the other elected branches (parliament or judges) to retry the case and see that the new outcome is enforced. *Comment: Among other advantages, this avoids the need to have kings, queens or presidents. Representative functions may be carried out by the secretary of parliament.*
- 4.7. Fraud investigations related to misuse of governance positions can be called for by a third of the members of parliament, or by the ombudspeople. *Comment: Special rules for suspension of governance officers and replacement during trial can be made locally.*
- 4.8. Changes to this constitution shall be passed by global popular vote with more than two-thirds majority in two consecutive four-year parliamentary sessions, except for numerical values of term-duration that can be altered by one popular voting at a given level. *Comment: term-duration can thus become different at different levels of governance and for different regions or local societies, while constitutional changes have to be passed globally.*

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